

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	Atty. Docket No.:	003797.01281
Mohammed SAMJI <i>et al.</i>		
Serial No.: 10/729,841	Group Art Unit:	2162
Filed: December 5, 2003	Examiner:	Ly, Anh
For: System and Method for Sharing Items in a Computer System	Confirmation No.:	8318

PRE-APPEAL BRIEF REQUEST FOR REVIEW

U.S. Patent and Trademark Office
Customer Service Window, **Mail Stop - AF**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicants respectfully request review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated in the below remarks. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

Remarks

Having received and reviewed the final Office Action dated August 22, 2006, and the Advisory Action dated November 6, 2006, Applicants respectfully submit that the standing rejections are based on one or more clear errors, and that the appeal process can be avoided through a pre-appeal brief review as set forth in the Official Gazette notice of July 12, 2005.

The pending rejections fail to address all the claim limitations, and exhibit clear factual and legal errors with respect to the cited references. The specific errors relied upon in this Pre-Appeal Brief Request for Review include the following:

- With respect to claims 1-11, 19-40, 42-49, 51-56, 59-70, and 72-73, the Office made a clear legal and/or factual error in its analysis of the Matsubara and Balfanz

references. As argued in the Amendment dated October 23, 2006 (p. 12) and the Request for Reconsideration dated June 8, 2006 (pp. 2-3), there is no motivation or suggestion to combine *Matsubara*, which discloses a peer-to-peer file sharing system with a central server, with *Balfanz*, which discloses a secure file sharing system with a group member list stored on each machine in the sharing system.

- With respect to claims 3 and 4, the Office made a clear legal and/or factual error in its analysis of the Matsubara and Balfanz references. As argued in the Amendment dated October 23, 2006 (pp. 12-13) and the Request for Reconsideration dated June 8, 2006 (pp. 3-4), neither Matsubara nor Balfanz teaches or suggests “verify[ing] that a file share exists from which the virtual folder item to be shared can be accessed remotely,” or “wherein if a file share already exists, the permissions on the file share are set so as to allow the sharee to access the item that is to be shared,” as respectively claimed.
- With respect to claim 7, the Office made a clear legal and/or factual error in its analysis of the Matsubara and Balfanz references. As argued in the Amendment dated October 23, 2006 (p. 13) and the Request for Reconsideration dated June 8, 2006 (p. 4), neither Matsubara nor Balfanz teaches or suggests verifying that the sharer’s firewall will allow the sharee to access the shared virtual folder item as claimed.
- With respect to claims 9, 23, 30, 39, and 48, the Office made a clear legal and/or factual error in its analysis of the Matsubara and Balfanz references. As argued in the Amendment dated October 23, 2006 (pp. 13-14), neither Matsubara nor Balfanz teaches or suggests sending a link to the sharee in response to the sharer selecting the virtual folder item and the at least one sharee as claimed.
- With respect to claims 56, 60, 62, 64, and 66, the Office made a clear legal and/or factual error in its analysis of the Matsubara and Balfanz references. As argued in the Amendment dated October 23, 2006 (p. 14) and the Request for Reconsideration dated June 8, 2006 (pp. 4-5), neither Matsubara nor Balfanz teaches or suggests sharing of non-folder non-file items as claimed.

While Applicants believe the above points represent the clearest errors made by the Office, Applicants reserve the right to appeal on other bases and errors. In addition, Applicants believe the rejections of other claims not identified above are also based on one or more Office errors. Applicants will address such issues on appeal should the appeal of this case proceed after the Office's consideration of this paper.

CONCLUSION

All issues having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the review panel believes the application is not in condition for allowance or there are any questions, the review panel is invited to contact the undersigned at (202) 824-3153.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated this 22nd day of Nov., 2006

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